UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,013	06/20/2003	Ashish Agrawal	026014-003400US	5759

20350   7590   05/28/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
AHLUWALIA, NAVNEET K

ART UNIT	PAPER NUMBER
2166	

MAIL DATE	DELIVERY MODE
05/28/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/601,013	AGRAWAL ET AL.
	Examiner	Art Unit	
	NAVNEET K. AHLUWALIA	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 May 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11,13-30 and 38-60</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11,13-30 and 38-60</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/19/2009 has been entered.

Response to Arguments

2.   Claims 1 – 11, 13 – 30 and 38 – 60 are pending in this Office Action. After a further search and a thorough examination of the present application, claims 1 – 11, 13 – 30 and 38 – 60 remain rejected.

3.   Applicant's arguments with respect to claims 1 – 11, 13 – 30 and 38 – 60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1 – 11, 13 – 30 and 38 – 60 are rejected under 35 U.S.C. 102(b) as being

anticipated by Wolton et al. ('Wolton' herein after) (US 2004/0030741 A1).

With respect to claim 1,

        Wolton discloses a computer-based method performed in a computer system for

identifying a product relating to a web page configured to be displayed through a first

web site, the method comprising: storing in the computer system a plurality of previously

submitted queries submitted through a second web site by users of the second web

site, each of the previously submitted queries having a popularity value stored in the

computer system (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299);

receiving at the computer system a request for product information, said request

including content derived from the web page; identifying at the computer system

previously submitted queries that match at least a portion of the content derived from

the web page (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299), the

identified previously submitted queries from the plurality of previously submitted queries;

selecting at the computer system an identified previously submitted query based on the

popularity value of the identified previously submitted query (paragraphs 11, 18, 22, 36

– 38, 56, 206, 290, 294 and 299); submitting from the computer system the selected

previously submitted query to a product search engine to identify a product that is

related to the content; and providing from the computer system information about the

identified product to be displayed on the web page through the first web site

(paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 2,

    Wolton discloses the method of claim 1 including identifying the product based on experience-based relevance of the product to the selected previously submitted query (paragraphs 26 and 208).

With respect to claim 3,

    Wolton discloses the method of claim 2 wherein experience-based relevance recognition is based on interactions of users with results of similar-queries similar to the selected previously submitted query (paragraphs 26, 51 – 52 and 208).

With respect to claim 4,

    Wolton discloses the method of claim 1 including selecting product data for the identified product (paragraphs 294, 299 and 577).

With respect to claim 5,

    Wolton discloses the method of claim 1 wherein the content is an article of the web page (paragraphs 294, 299 and 577).

With respect to claim 6,

Wolton discloses the method of claim 1 wherein the content is a headline of the web page (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 7,

Wolton discloses the method of claim 1 wherein the web page represents a web log (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 8,

Wolton discloses the method of claim 1 wherein the web page contains an instant messaging message (paragraphs 36 – 38 and 154).

With respect to claim 9,

Wolton discloses the method of claim 1 wherein the content is derived from information provided by an associate of a vendor web site that sells products (paragraphs 568, 579 – 580, 660 – 662 and 670).

With respect to claim 10,

Wolton discloses the method of claim 9 wherein the associate is compensated based on a user purchase of the identified product (paragraphs 568, 579 – 580, 660 – 662 and 670).

With respect to claim 11,

Wolton discloses a computer-based method performed in a computer system for

providing information about a product to be associated with content from a first system,

the method comprising: storing in the computer system a plurality of previously-

submitted queries submitted to a second system (paragraphs 11, 18, 22, 36 – 38, 56,

206, 290, 294 and 299), each previously submitted query having a popularity of

submission value stored in the computer system (paragraphs 11, 18, 22, 36 – 38, 56,

206, 290, 294 and 299); identifying at the computer system a previously submitted

query from the plurality of previously submitted queries based on a relevance of the

previously submitted query to the content and the popularity of submission value of the

previously submitted query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and

299); submitting from the computer system the identified previously submitted query to

select a product that matches the identified previously submitted query as the product to

be associated with the content (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and

299); and providing from the computer system information about the selected product to

be associated with the content through the first system (paragraphs 11, 18, 22, 36 – 38,

56, 206, 290, 294 and 299).

With respect to claim 13,

Wolton discloses the method of claim 11 wherein the relevance of the previously

submitted query to the content is based on matching phrases in the content to the

previously submitted query (paragraphs 26 and 208).

With respect to claim 14,

Wolton discloses the method of claim 11 wherein using the computer system to identify the queries previously submitted query involves selecting a relevant previously submitted query that is most popular (paragraphs 26, 51 – 52 and 208).

With respect to claim 15,

Wolton discloses the method of claim 11 wherein the selecting of a product includes: identifying products that match the identified previously submitted query; ranking the identified products based on the experience of users who accessed results of similar queries; and selecting a high-ranking product as the product that matches the identified previously submitted query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 16,

Wolton discloses the method of claim 11 wherein the content is related to an article (paragraphs 294, 299 and 577).

With respect to claim 17,

Wolton discloses the method of claim 16 wherein the content is a headline of the article (paragraphs 294, 299 and 577).

With respect to claim 18,

Wolton discloses the method of claim 16 wherein the content is a body of the article (paragraphs 294, 299 and 577).

With respect to claim 19,

Wolton discloses the method of claim 16 wherein the content is a portion of a body of the article (paragraphs 294, 299 and 577).

With respect to claim 20,

Wolton discloses the method of claim 11 wherein the content is a web log (paragraphs 294, 299 and 577).

With respect to claim 21,

Wolton discloses the method of claim 11 wherein the content is an instant messaging message (paragraphs 36 – 38 and 154).

With respect to claim 22,

Wolton discloses the method of claim 11 wherein the content is a portion of a dynamically generated web page (paragraphs 155 – 156).

With respect to claim 23,

Wolton discloses the method of claim 11 wherein the content is provided by an

associate of a vendor web site that sells products (paragraphs 568, 579 – 580, 660 –

662 and 670).

With respect to claim 24,

Wolton discloses the method of claim 23 including providing to the associate an

advertisement for the selected product (paragraphs 568, 579 – 580, 660 – 662 and

670).

With respect to claim 25,

Wolton discloses the method of claim 24 wherein the associate is compensated

based on a user purchase of the selected product (paragraphs 568, 579 – 580, 660 –

662 and 670).

With respect to claim 26,

Wolton discloses a method in a computer system for providing information

relating to content of a first web page, the method comprising: receiving a request to

view the content from a visitor of the first web page sending the content to a web

service (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299), the web service for

storing a plurality of previously submitted queries, for identifying a previously submitted

query from the plurality of previously submitted queries that is related to the sent

content (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299), and for selecting a

product that matches the identified previously submitted query as the product to be associated with the content; receiving information relating to the product associated with the content (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); and concurrently displaying the content and the received information to the visitor of the first web page (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 27,

Wolton discloses the method of claim 26 wherein the identifying of a previously submitted query is based on popularity of the query.

With respect to claim 28,

Wolton discloses the method of claim 26 wherein the received information is product data.

With respect to claim 29,

Wolton discloses the method of claim 26 wherein the received information is an advertisement.

With respect to claim 30,

Wolton discloses the method of claim 26 wherein the web service is provided by a vendor and the content is provided by an associate of the vendor.

With respect to claim 38,

Wolton discloses a computer system for providing a query relating to content, comprising: a popularity-based query table containing previously submitted queries submitted by users of the computer system and indications of the popularity of the queries among users (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); a component that identifies previously submitted queries of the popularity-based query table that match at least a portion of content in a request for product information (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299), said request received from a source to the computer system, the external source configured to display the content to users visiting the external source a component that selects an identified previously submitted query based on its indication of popularity as indicated by the popularity-based query table (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); and a component that provides information about a product, corresponding to the selected query, to be displayed with the content through the external source (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 39,

Wolton discloses the computer system of claim 38 including a component that submits the selected identified previously selected query to a query engine to identify information relating to the content (paragraphs 26 and 208).

With respect to claim 40,

Wolton discloses the computer system of claim 39 wherein the query engine is experience-based (paragraphs 26, 51 – 52 and 208).

With respect to claim 41,

Wolton discloses the computer system of claim 39 wherein the information is product data (paragraphs 294, 299 and 577).

With respect to claim 42,

Wolton discloses the computer system of claim 38 wherein the content is received from an associate of a vendor's web site (paragraphs 294, 299 and 577).

With respect to claim 43,

Wolton discloses the computer system of claim 38 wherein the identifying of previously submitted queries includes identifying the longest phrases of the content that match a query (paragraphs 294, 299 and 577).

With respect to claim 44,

Wolton discloses the computer system of claim 38 wherein the popularity of a query is based on when users purchase the product identified by results of the query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 45,

Wolton discloses the computer system of claim 38 wherein the popularity of a

query is based on when users request information on a product identified by results of

the query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299)

With respect to claim 46,

Wolton discloses the computer system of claim 38 wherein the queries are

submitted by users of a web site associated with the computer system (paragraphs 11,

18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 47,

Wolton discloses a computer-readable storage medium containing instructions

for controlling a computer system to provide product data by a method comprising:

generating at the computer system to generate a popularity-based query table

containing previously submitted queries submitted by users of a vendor's web site

(paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299) and indications of the

popularity of the queries among the users; receiving at the computer system content to

be displayed on an associate's web site, the associate's web site configured to

concurrently display product data provided by the vendor and the content (paragraphs

11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); identifying at the computer system

previously submitted queries of the popularity-based query table that match the

received content (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); selecting

at the computer system an identified previously submitted query based on its indication

of popularity as indicated by the popularity-based query table; submitting from the

computer system the selected query to identify products that match the selected query

(paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); retrieving to the computer

system product data associated with an identified product; and sending from the

computer system the retrieved product data to be displayed with the content on the

associate's web site (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 48,

     Wolton discloses the computer-readable storage medium of claim 47 wherein the

submitting of the selected query is performed by an experience-based query engine

(paragraphs 26 and 208).

With respect to claim 49,

     Wolton discloses the computer-readable storage medium of claim 47 wherein the

identifying of queries includes identifying the longest phrases of the received content

that match a query (paragraphs 26, 51 – 52 and 208).

With respect to claim 50,

Wolton discloses the computer-readable storage medium of claim 47 wherein the popularity of a query is based on when users purchase a product identified by results of the query (paragraphs 294, 299 and 577).

With respect to claim 51,

Wolton discloses the computer-readable storage medium of claim 47 wherein the popularity of a query is based on when users request information on a product identified by results of the query (paragraphs 294, 299 and 577).

With respect to claim 52,

Wolton discloses the computer-readable storage medium of claim 47 wherein the products are offered for sale by the vendor (paragraphs 568, 579 – 580, 660 – 662 and 670).

With respect to claim 53,

Wolton discloses the computer-readable storage medium of claim 47 wherein the content is derived from a web page to be served by the associate (paragraphs 568, 579 – 580, 660 – 662 and 670).

With respect to claim 54,

Wolton discloses the computer-readable storage medium of claim 53 wherein the associate is compensated by the vendor when a user to whom the web page is served

purchases the product from the vendor (paragraphs 568, 579 – 580, 660 – 662 and

670).

With respect to claim 55,

    Wolton discloses a computer system for identifying products related to content,

comprising: means for providing a popularity-based query table containing previously

submitted queries and indications of the popularity of each of the previously submitted

queries (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); means for

receiving a request to identify products related to content from an external source

(paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); means for selecting a

previously submitted query from the popularity-based query table based on the

indication of popularity of the selected previously submitted query and the received

content (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); means for

identifying products that match the selected previously submitted query (paragraphs 11,

18, 22, 36 – 38, 56, 206, 290, 294 and 299); and means for providing information about

the identified products to the external source to be displayed concurrently with the

content in response to receiving the request (paragraphs 11, 18, 22, 36 – 38, 56, 206,

290, 294 and 299).

With respect to claim 56,

    Wolton discloses a method in a computer system of a vendor for providing

product data relating to content provided by an associate of the vendor, the method

comprising: storing at the computer system of the vendor a plurality of previously submitted queries received by the computer system of the vendor, the queries received by users of the computer system of the vendor (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); receiving at the computer system of the vendor a request from the associate for product data for a product relating to content transmitted to users by a computer system of the associate (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); identifying at the computer system of the vendor a previously submitted query among the plurality of previously submitted queries that matches the content; executing at the computer system of the vendor the identified previously submitted query to identify a product that matches the identified previously submitted query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); retrieving to the computer system of the vendor product data relating to the product that matches the identified previously submitted query (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299); and sending from the computer system of the vendor to the computer system of the associate the retrieved product data (paragraphs 11, 18, 22, 36 – 38, 56, 206, 290, 294 and 299).

With respect to claim 57,

Wolton discloses the method of claim 56 wherein the previously submitted query is identified based on the popularity of previously submitted queries among users (paragraphs 26, 51 – 52 and 208).

With respect to claim 58,

Wolton discloses the method of claim 56 wherein the query is not identified based on the popularity of previously submitted queries among users (paragraphs 294, 299 and 577).

With respect to claim 59,

Wolton discloses the method of claim 56 wherein the method is provided as a web service of the vendor (paragraphs 294, 299 and 577).

With respect to claim 60,

Wolton discloses the method of claim 56 wherein the product data is an advertisement for a product sold by the vendor (paragraphs 568, 579 – 580, 660 – 662 and 670).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Navneet K. Ahluwalia/
Examiner, Art Unit 2166

Dated: 05/25/2009

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166